IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.4873 OF 2005.

Nanasaheb Baburao Pattade ... Petitioner.

V/s.

Collector of Kolhapur & Others. ... Respondents.

Mr. V.A. Thorat, learned Counsel for the Petitioner.

Mr. Shriniwas S. Patwardhan, for Petnr. on record.

Mr. N.V. Walawalkar with Mr. Amit Borkar, for Respondent Nos.2 and 3.

Mr. A.H. Palekar, Addl.Govt. Pleader.

CORAM : S.A. BOBDE, J.

July 29, 2005.

P.C.:

1. This petition is by the Gadhinglaj Taluka Sahakari Sakhar Karkhana Ltd. The Petitioner has challenged the order dated 05/07/2005 of the Collector, Kolhapur, by which names of 44 persons are retained in the final list of voters' under Rule 6(1) of Maharashtra Specified Societied Co-operative Societies Election to Committee Rules 1971. That rule reads as follows :-

> "6. Claims and objections to provisional list of votes.-(1) When any

> provisional list of voters is published for inviting claims and objections, any omission or error in respect of the name or address or other particulars in the list may be brought to the notice of the Collector by any member of the Society concerned who is a voter or any delegate authorised to vote on behalf of such society."

2. The preparation or publicatuion of final list of voters is published under Rule and has been held to be an intermediate stage in the process of election, view of the Judgement of the Supreme Court Shri Sant Sadguru V/s. State of Maharashtr. This Court has relied on that Judgement while deciding Writ Petition No.4866 of 2005. For the same reason, this this is not a fit case for excercise of its jurisdiction under Article 226 of the Constitution of India.

3. For the reasons given in the Judgement in Writ Petition No.4866 of 2005, for the circumstances, this Petition is liable to be dismissed and it is hereby dismissed.

(S.A. Bobde, J.)